

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)
)
 Petitioner,)
)
 vs.) Docket No. 12-02
)
 JAMES MICHAEL McJOYNT,)
)
 Respondent.)

PETITION FOR NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Wyoming Department of Insurance, acting by and through Stephanie Bryant McGee, Deputy Commissioner, and pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109 and 26-2-111, and Chapter 32 § 4 of the Wyoming Insurance Department Regulations and Rules for Practice and Procedure Before the Department; and the Wyoming Administrative Procedure Act, Wyo. Stat. § 16-3-101 *et seq.*, herewith moves the Wyoming Insurance Commissioner for the issuance of a Notice and Order to Show Cause directed to James Michael McJoynt, whose last reported address was 1258 Adriana Way, Upland, CA 91784-1742. As cause for this Petition, the Wyoming Insurance Department states and alleges as follows:

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109, and 26-9-211.

2. Respondent was provided notice of intent to file this action in compliance with Wyo. Stat. § 16-3-113(c) of the Administrative Procedures Act by certified letter mailed to Respondent on December 2, 2011.

3. Respondent is licensed by the Wyoming Department of Insurance as a nonresident producer, License No. 149514 issued March 30, 2006, with a renewal date of September 30, 2012. The Respondent's Individual ID is 10033374 and his National Producer ID is 671453.

4. The business records of the Department of Insurance show Respondent is not affiliated with any insurer.

5. On or about December 1, 2011, a State RIRS Notification was received from the National Association of Insurance Commissioners, advising that Respondent's license in his home state of California has been revoked.

6. Petitioner's investigation of the matter revealed that the Insurance Commissioner of the State of California entered a Decision and Order Adopting Proposed Decision on October 4, 2011, a copy of which is on file herein. The attached Decision revoked the California insurance license of Respondent James Michael McJoynt, finding in Conclusion of Law No. 5: "It is against the public interest to allow Respondent to retain his license. Respondent engaged in fraudulent conduct when he diverted funds from . . . for his own personal use. That means he

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BY Dee Ann Hilburn

is lacking in integrity, is untrustworthy, and is dishonest. . . . In addition, he violated his fiduciary duties when he diverted the client premium from. . . .”

7. Pursuant to Wyo. Stat. § 26-9-208(a)(i), a condition for nonresident licensing in Wyoming is that the person is currently licensed as a resident and is in good standing in their home state.

8. Pursuant to Wyo. Stat. § 26-9-211(a), the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer’s license for, among other reasons:

(ii) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state’s insurance commissioner;

(iv) Improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;

(viii) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

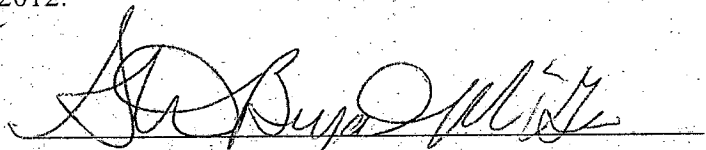
(ix) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

WHEREFORE the Department of Insurance respectfully prays the Wyoming Insurance Commissioner:

A. Revoke Respondent’s nonresident producer license No. 149514 for violation of Wyo. Stat. §§ 26-9-211(a).

B. Enter such other and further relief as may be permitted by law.

Dated this 10 day of January 2012.



Stephanie Bryant McGee
Deputy Commissioner
Wyoming Department of Insurance
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